

Application No. 09/714,332
Attorney Docket No. 10236
Amendment dated October 27, 2003
Reply to Office Action of August 26, 2003

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this Application in view of the following Remarks. The claims are unchanged and claims 26 and 30-47 remain pending in this Application.

The Examiner's acceptance of the Terminal Disclaimer previously filed, as indicated in paragraph 2 of the Office Action, is noted and appreciated.

Section 102 Rejections

Paragraph 3 of the Office Action rejects claims 31-34, 36-44, and 46 under 35 U.S.C. Section 102 over U.S. Patent 6,455,150 to Sheppard. The rejection is founded upon the conclusion that the heat-sealable layer (c) of Sheppard contains .15 wt.% to 1.5 wt.% of a polysiloxane having a viscosity of 300 to 100,000 centistokes. Column 6, lines 38-51 of Sheppard make it clear that the polysiloxane within the disclosed viscosity range is a "silicone oil". The Office Action concludes that this silicone oil is the same as the "silicone gum" recited in the rejected claims.

However, silicone oils and silicone gums are fundamentally different. As noted in the Office Action, silicone oils have a viscosity ranging from 350 centistokes to 100,000 centistokes. Silicone oils are liquid at room temperature as described in the functioning of the silicone oil in column 6 and 7 of the Sheppard disclosure. In contrast, silicone gums are much higher viscosity materials that are not flowable at room temperature.

As discussed at lines 3-11 on page 3 of the present application, silicone oils are designed to transfer from one surface of the film to the other surface, although this transfer is known to create certain problems. The disadvantages of this transfer are overcome by use of silicone gum as claimed. See also pages 7 and 8 of the present application which discuss viscosity differences and other distinctions between silicone oils and silicone gums. The viscosity characteristic of the silicone gum is expressly defined in claim 34.

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Because the Sheppard reference does not disclose the use of a silicone gum in the heat-sealable layer as recited in the claims, for this reason alone, the Sheppard reference does not anticipate claims 31-34, 36-44, and 46.

Section 103 Rejections

Paragraph 4 of the Office Action rejects claims 26 and 35 under 35 U.S.C. Section 103 as being obvious over the Sheppard patent in view of U.S. Patent 4,632,869 to Park.

Claims 26 and 35 recite that a cavitating agent is included in the core layer of the claimed film structures. The Sheppard patent is applied in the same manner as in the Section 102 rejection. The Park patent is cited as disclosing the use of cavitating agents in core layers. The Office Action asserts that it would be obvious, in view of Park, to include a cavitating agent in the core layers of the Sheppard film structures.

However, since the Sheppard patent is applied in the same manner as discussed with respect to the Section 102 rejection, the reference is still deficient in teaching or suggesting the inclusion of silicone gums in heat-sealable layers of film structures. Specifically, as discussed with respect to the Section 102 rejection, the Sheppard patent discloses only the use of silicone oils in heat-sealable layers.

Moreover, the use of silicone oils is critical in the film structures taught by Sheppard. The Sheppard disclosure makes it clear that the transfer of the oil from the heat-sealable skin layer (c) to skin layer (a) is necessary. For example, column 6, lines 12-19 of Sheppard explains that the presence of transferred silicone oil enhances the coefficient of friction and improves machinability of layer (a) without significantly impairing heat-sealability. The necessity of transfer of the silicone oil from one layer to the other is discussed in at least two other portions of the Sheppard disclosure. See e.g., column 6, lines 56-64 and column 7, lines 2-11. Therefore, Sheppard teaches the criticality of using silicone oils which are flowable at room temperature and thus transferable from one layer to the other. By doing so, Sheppard teaches away from the use of silicone gums as claimed.

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Likewise, Park fails to teach or suggest the inclusion of a silicone gum in a heat-sealable layer as claimed. Park simply fails to disclose the use of silicone compounds of any kind in film structures.

Paragraph 5 of the Office Action rejects claim 30 under 35 U.S.C. Section 103 over the Sheppard patent alone. The rejection concludes that it would be obvious to add additional layers to the Sheppard film structure to arrive at the structure recited in claim 30. This rejection also relies upon Sheppard as teaching or suggesting the inclusion of a silicone gum in a heat-sealable layer. For the reasons discussed with respect to the rejections above, Sheppard also fails to render claim 30 obvious under Section 103.

Paragraph 6 of the Office Action rejects claims 45 and 47 under 35 U.S.C. Section 103 as being unpatentable over the Sheppard patent in view of U.S. Patent 6,495,266 to Migliorini. This rejection also relies upon the Sheppard patent as disclosing or suggesting inclusion of a silicone gum in a heat-sealable layer. For the reasons discussed previously, Sheppard fails to provide this teaching or suggestion. In fact, as explained above, Sheppard teaches away from the claimed invention. For this reason alone, claims 45 and 47 are not rendered obvious by the Sheppard and Migliorini references.

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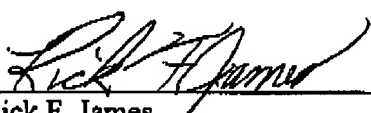
Conclusion

Consistent with the foregoing, Applicants' claims 26 and 30-47 are in condition for allowance. Reconsideration of these claims with an early Notice of Allowance is respectfully solicited.

It is believed that this submission is fully responsive to the outstanding Office Action. However, should any issues remain unresolved, the Examiner is encouraged to contact the undersigned at the number listed below so that all matters may be expeditiously resolved.

Respectfully submitted,

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